

## Message Text

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TO AMEMBASSY MEXICO PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX (ZELLET, FRANK ANTHONY, JR.)

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS IN  
MEXICO: FOLLOW-UP ACTION ON ZELLET CASE

REF: STATE 194237

1. DEPARTMENT FOUND THAT RE ZELLET CASE (A) DENIAL OF  
CONSULAR ACCESS, (B) CONFISCATION OF PROPERTY, AND (C)  
EXTORTION BY LAWYER APPEAR TO HAVE SOME VALIDITY.

2. DENIAL OF CONSULAR ACCESS: SAME ACTION AS OUTLINED  
PARAGRAPHS TWO AND THREE REFTEL (BLACKBURN CASE).

3. CONFISCATION OF PROPERTY: PER ZELLET DEPOSITION, TWO  
GROUPS OF EMERALDS WERE TAKEN FROM HIM AT TIME OF ARREST  
WITHOUT HIS BEING GIVEN DETAILED RECEIPT. ONE GROUP, A  
HANDFUL OF UNCUT STONES, HE "NEVER SAW OR HEARD OF AGAIN."  
OF OTHER GROUP OF SEVEN STONES, ONLY TWO WERE RETURNED TO  
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HIM THROUGH COURT. PER MENDOZA SUMMARY OF COURT RECORD,  
BOX OF STONES WAS GIVEN TO ATTORNEY AVILES IN ZELLET'S  
PRESENCE ON MARCH 11, 1974. PLEASE CONFIRM WITH ZELLET THAT  
BOX CONTAINED ONLY TWO STONES MENTIONED IN DEPOSITION. IF

SO, IS THERE ANY POSSIBILITY AVILES COULD HAVE PALMED AND  
TAKEN EMERALDS, I.E. WHO OPENED BOX FIRST, AVILES OR  
ZELLET? LACK OF SPECIFIC RECEIPT PRESUMABLY MAKES RECOVERY

VIRTUALLY IMPOSSIBLE, BUT EMBASSY SHOULD VERIFY THAT ALL  
FEASIBLE MEASURES HAVE BEEN TAKEN TO RECOVER MISSING GEMS.

4. EXTORTION BY LAWYER; PER ZELLET DEPOSITION AND MATERIAL  
IN DEPARTMENT FILES FROM ZELLET'S FATHER, 26,600 DOLLARS  
WERE PAID TO JORGE AVILES. IN OSTENSIBLY RETURNING PART  
OF FUNDS, AVILES GAVE ZELLET'S FATHER CASHIER'S CHECK FOR  
10,000 DOLLARS ON NORTH CAROLINA BANK. CHECK BOUNCED AND  
ZELLET SENIOR TURNED CHECK OVER TO FBI. WE ARE CHECKING  
ON STATUS OF FBI INVESTIGATION AND WILL ADVISE EMBASSY.  
PER ZELLET DEPOSITION, IT APPEARS THAT NO ACTION IS BEING  
TAKEN BECAUSE ATTORNEY RAUL CARDENAS IS RELUCTANT TO MOVE  
AGAINST AVILES AND ZELLET IS UNDER IMPRESSION AVILES HAS  
DISAPPEARED. PLEASE CONSULT ZELLET, INFORMING HIM AVILES  
RECENTLY SURFACED IN LA PAZ, BAJA CALIFORNIA (TIJUANA  
195). UNLESS ZELLET HAS OTHER PLANS FOR PROCEEDING AGAINST  
AVILES, EMBASSY SHOULD WRITE TO ZELLET'S FATHER TO ADVISE  
HIM HOW TO PRESS CHARGES (STATE 210428). SINCE ZELLET  
FAMILY HAS CONSIDERABLE DOCUMENTATION AND PROBABLY GOOD  
WITNESS IN HOUSTON ATTORNEY JOHN J. HERRERA, IT SEEMS THAT  
GOOD CASE COULD BE MADE AGAINST AVILES ALTHOUGH ZELLETS  
AND HERRERA MAY BE INHIBITED BY IDEA OF THEIR BEING  
IMPLICATED IN AVILES' PLAN (PER CONTRACT) TO WIN ZELLET'S  
RELEASE "BY FINANCE OR ANY EFFECTIVE MEANS" (PRESUMABLY  
BRIBERY).

5. IN ADDITION TO ABOVE, WE WOULD APPRECIATE FOLLOWING  
ACTION: (A) SENTENCE -- PER MENDOZA SUMMARY OF COURT  
RECORD, ZELLET WAS CONVICTED OF IMPORTATION ON MARCH 13,  
1975 AND SENTENCED TO EIGHT YEARS IN PRISON AND FINE.  
MENDOZA NOTED THAT THERE WAS NO RECORD THAT ZELLET WAS  
NOTIFIED OF JUDGMENT ALTHOUGH HIS DEFENSE ATTORNEY WAS SO  
NOTIFIED. ATTORNEY FILED APPEAL MAY 13. WHEN INTERVIEWED  
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IN JUNE BY DEPARTMENT OFFICER, ZELLET DID NOT SEEM TO BE  
AWARE OF CONVICTION AND WE SEE THAT EMBASSY STILL CARRIED  
HIM AS "CONSIGNED" ON AUGUST 1 LIST OF IMPRISONED AMERICANS.  
PLEASE INFORM ZELLET SOONEST OF HIS CONVICTION AND TRY TO  
FIND OUT WHY HE WAS NOT NOTIFIED IN MARCH BY COURT OR  
ATTORNEY. IN THIS CONNECTION, VERIFY WHO HAS BEEN ATTORNEY  
SINCE OCTOBER 1974. PRESUMABLY IT IS RAUL CARDENAS BUT  
MENDOZA REFERRED ONLY TO UNNAMED "DEFENSE ATTORNEY." ALSO  
CHECK ON WHETHER COURT FAILURE TO NOTIFY ZELLET OF CONVICTION  
WAS PROCEDURAL DEFECT THAT IS GROUNDS FOR REMEDIAL  
ACTION.

(B) ALLEGATION OF CORREA COMPLICITY WITH AVILES -- ZELLET  
IN TAPED ADDENDUM TO DEPOSITION SEEMED CONVINCED THAT A

MR. CORREA, WHOM HE THOUGHT TO BE THIRD DISTRICT COURT  
SECRETARY, WAS WORKING WITH AVILES TO EXTORT THE ZELLETS.  
IT APPEARS THAT ZELLET WAS REFERRING TO LEOPOLDO PEREZ  
CORREA, IDENTIFIED IN MENDOZA SUMMARIES AS ONE OF SEVERAL  
COURT INTERPRETERS. CORREA, PER SUMMARIES, FIGURED IN ALL  
BUT ONE (MORRIS) OF THE 15 SAMPLE CASES. AVILES WAS  
INVOLVED AT ONE TIME OR ANOTHER IN SIX OF THESE 14 CASES  
(BRASWELL, GREENE, HARRISON, NORTON, RENNA AND ZELLET).  
THIS, OF COURSE, PROVES NOTHING, BUT WE BELIEVE EMBASSY  
WOULD BE JUSTIFIED IN DISCUSSING CORREA FURTHER WITH  
ZELLET. IF HE APPEARS TO BE ABLE TO BACK UP HIS ALLEGATION,  
EMBASSY COULD ASK OTHER FIVE PRISONERS IF THEY PERCEIVED  
ANY RELATIONSHIP BETWEEN CORREA AND AVILES. IF CONSENSUS  
DEVELOPS, EMBASSY COULD EXPLORE WITH ZELLET IDEA OF HIS  
MAKING CHARGES AGAINST CORREA AS WELL AS AVILES. KISSINGER

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